

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

LESLYE KNOX, ET AL,

Plaintiffs,

— against —

THE BANK OF NEW YORK,

Defendant.

NOTICE
OF INITIAL CONFERENCE

07 Civ. 3349 (VM)

VICTOR MARRERO, United States District Judge.

Counsel for all parties are directed to appear before the Honorable Victor Marrero for an initial case management conference, in accordance with Rule 16 of the Federal Rules of Civil Procedure on May 18, 2007 at 11:45 a.m. in Courtroom 20B at the United States Courthouse, 500 Pearl Street, New York, New York. **COUNSEL FOR PLAINTIFF IS DIRECTED TO IMMEDIATELY SEND A COPY OF THIS NOTICE TO ALL PARTIES.** Principal trial counsel must appear at this and all subsequent conferences.

Because it appears that the parties and the issues involved in this case are the same as those in a case recently resolved in a state court action, plaintiffs should be prepared to explain why this action should not be precluded under the doctrine of res judicata in light of the New York State Supreme Court's decisions in Palestine Monetary Authority v. Strachman, 2007 WL 1063867 (N.Y. Sup. 2007).

Counsel are directed to review Judge Marrero's Individual Rules. The Rules may be obtained at the Clerk's/Cashier's Office on the first floor of the United States Courthouse, 500 Pearl Street, New York, New York, or by visiting the Court's internet site at www.nysd.uscourts.gov. **Requests for adjournment of the conference will be considered only if made in writing and otherwise in accordance with Judge Marrero's Rules.**

Dated: May 3, 2007
New York, New York



VICTOR MARRERO
U.S.D.J.

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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

	X	
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	:	
Plaintiff(s),	:	
	:	_____ Civ. _____ (VM)
- against -	:	
	:	
	:	CIVIL CASE MANAGEMENT PLAN
	:	AND SCHEDULING ORDER
Defendant(s).	:	
	X	

This Scheduling Order and Case Management Plan is adopted in accordance with Fed. R. Civ. P. 16-26(f).

1. This case (is)(is not) to be tried to a jury: [circle one]

2. Joinder of additional parties to be accomplished by _____.

3. Amended pleadings may be filed without leave of the Court until _____.

4. Initial disclosure pursuant to Fed. R. Civ. P. 26(a)(1) to be completed within fourteen (14) days of the date of the parties' conference pursuant to Rule 26(f), specifically by not later than _____.

5. All fact discovery is to be completed either:
 - a. Within one hundred twenty (120) days of the date of this Order, specifically by not later than _____; or
 - b. Within a period exceeding 120 days, with the Court's approval, if the case presents unique complexities or other exceptional circumstances, specifically by not later than _____.

6. The parties are to conduct discovery in accordance with the Federal Rules of Civil Procedure and the Local Rules of the Southern District of New York. The following interim deadlines may be extended by the parties on consent without application to the Court, provided the parties are certain that they can still meet the discovery completion date ordered by the Court.
 - a. Initial requests for production of documents to be served by _____.
 - b. Interrogatories to be served by all party by _____.
 - c. Depositions to be completed by _____
 - i. Unless the parties agree or the Court so orders, depositions are not to be held until all parties have responded to initial requests for document production.
 - ii. Depositions of all parties shall proceed during the same time.
 - iii. Unless the parties agree or the Court so orders, non-party depositions shall follow party depositions when possible.
 - d. Any additional contemplated discovery activities and the anticipated completion date: _____

e. Requests to Admit to be served no later than _____.

7. All expert discovery (ordinarily conducted following the completion of fact discovery) including parties' expert reports and depositions, witness lists and identification of documents pursuant to Fed. R. Civ. P. 26(a)(2), (3) and 35(b), is to be completed by:

a. Plaintiff _____.

b. Defendant _____.

8. Contemplated motions:

a. Plaintiff: _____

b. Defendant: _____

9. Following all discovery, all counsel must meet for at least one hour to discuss settlement, such conference to be held by not later than _____.

10. Do all parties consent to trial by a Magistrate Judge under 28 U.S.C. § 636(c)?

Yes _____ No _____

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TO BE COMPLETED BY THE COURT:

11. The next Case Management Conference is scheduled for _____.

In the event the case is to proceed to trial, a firm trial date and the deadline for submission of the Joint Pretrial Order and related documents shall be scheduled at the pretrial conference following either the completion of all discovery or the Court's ruling on any dispositive motion.

The Joint Pretrial Order should be prepared in accordance with Judge Marrero's Individual Practices. If this action is to be tried before a jury, proposed voir dire and jury instructions shall be filed with the Joint Pretrial Order. No motion for summary judgment shall be served after the deadline fixed for the Joint Pretrial Order.

SO ORDERED:

DATED: New York, New York

VICTOR MARRERO
U.S.D.J.